

12-07-2020

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26525

5:20-cv-252

Bailey, Mazzone Blalock

United States District Court
ATTN: Clerk of Courts
P.O. Box 471
Wheeling, WV 26003-0060

FILED

DEC 10 2020

U.S. DISTRICT COURT-WVND
WHEELING, WV 26003

Sean Price,
Petitioner,

v.

Officer M. Martin - FCI Hazelton,
Respondent # 1,
Warden - FCI Hazelton,
Respondent # 2.

PETITION SEEKING RELIEF
FOR MULTIPLE CIVIL RIGHTS
VIOLATIONS by OFFICER M.
MARTIN and MALICIOUS DELIBERATE
INDIFFERENCE BY FACILITY
WARDEN

Upon my admittance into the Special Housing Unit
at FCI Hazelton in West Virginia on 12-03-19 I
was subjected to the start of what was to become a
now 12 plus month long cycle of physical violence,
abuse, sexual harassment, sexual advances, sexually

related threats, threats of violence, and threats of death at the hands of Officer M. Martin at FCI Hazelton in West Virginia. As of this date, 12-07-2020, this cycle has not ceased in any way. In fact, the severity of the aforementioned abuses has only increased since my attempts to report the incidents to investigative and executive staff at this facility have been made known to officer M. Martin.

Upon reporting the matter to the acting warden verbally in February of 2020 after my release from the SHU, I was threatened with forcible readmittance to the SHU should I pursue my complaints any further.

I was then readmitted to the Special Housing Unit on 06-30-2020 for a fraudulently written incident report made by my unit manager, a Mr. Watson (Unit 24) in retaliation for me notifying him I was going to file an Administrative Remedy against him for the issues I have expressed in Civil Case No. 5:20cv249. On 07-05-2020 Officer M. Martin began his aforementioned abuses again with greater frequency and severity.

I filed multiple complaints, both written and verbal, only to have them ignored completely. In November of 2020, I gave my primary psychological care staff member a written report of the abuse and harassment I had been victim of since 07-05-2020. That report was forwarded to Lt Moore (SIS) who came and spoke with me regarding my report. He told me that due to my complaints as well as numerous other complaints from multiple inmates, the warden as well as the SIA were DENYING me my right to file a formal

PREA Complaint against officer Martin for the sexually based violations I reported. This in itself, is a violation of my rights as prescribed in the Prison Rape Elimination Act. Instead, the Facility was initiating a misconduct investigation. I told Mr. Moore I still wanted to pursue the PREA claim, but I was denied again. I was assured, however that I would be protected from any further abuse by officer M. Martin as he would be removed from the Special Housing Unit until my release date of 01-07-2021. This was a blatant deception. Instead, officer M. Martin was notified of my complaints and allowed to remain in the Special Housing Unit to not only continue his despicable violations, but to now seek retaliation against me.

I now live in constant fear of being injured, assaulted, forced into a sexually demeaning situation, raped, or killed at the hands of this officer or by his co-workers or another inmate at officer M. Martin's direction and encouragement.

I also live with a pattern of verbal harassment related to my homosexuality, threats of violence, threats of sexual assault, and threats of death on an almost daily basis from this officer. Again, I have reported the incidents in writing, and I was answered with inaction and retaliation by officer M. Martin.

Here is a listing of the types of abuse this officer has inflicted upon me since 12-03-19:

1. 12-03-19: Officer M. Martin asks me, "Are you a Paggot, a cho-ma, or both?" (cho-ma is a derogatory slur for child molester)
2. 12-03-19: Officer M. Martin proceeds to tell me that he read through my "sentry" and SIS paperwork and that he "knew all about my boyfriend and my gay ass tattoo I got for the punks." He then ordered me to remove my shirt and show other officers the tattoo. He then asked me, "what's his name? How old is he? Over 10 or 11? Does he take it in the ass or are you the bitch?"
3. Daily verbal and sexual harassment from 12-03-19 to 01-23-20. This was the FIRST cycle of abuse. Some of the harassment and threats included statements such as: "You ever hear of Epstein? You're next." and "It's nice to know there's a queer on the range so I can get my dick sucked."
4. In late December 2019, I was physically assaulted by officer M. Martin while I was handcuffed behind my back which involved blows to the rear, right side of my head and three (3) hard kicks to my lower abdomen which resulted in a severe, medically documented hematoma that did not dissipate until mid March of 2020. The hematoma was severe enough to warrant J. Resh, CRNP of the FCI Hazelton medical department to issue a pass allowing me to wear elastic waist band or non restrictive clothing and to order abdominal X-RAYS and a CT scan of my abdominal area.

5. Almost daily incidents of officer M. Martin serving my meals which had very obviously been tampered with in vile ways. Bodily fluids integrated into food, etc.
6. Many documented incidents of officer M. Martin removing me from my cell and then proceeding to destroy legal documents, family mail and photos, and prescription medication.
7. On 01-23-2020 As I was being "changed out" so I could leave the SHU and return to the yard, while I was still undressed, officer M. Martin directed me to engage in lewd acts such as fondling my genitalia.
Video
Footage
Available
8. On 07-05-2020 officer M. Martin ordered me and my cellmate, (name withheld for safety reasons) to cuff up so he could "tear up our shit." We were removed from the cell at approximately 4:10-4:20 pm and placed into a holding cell. Upon returning us to our cell later, we were welcomed with a flooded cell (approx 1 1/2 inches of water) and all of our mail, legal work, medication, clothing, and linens being destroyed or soaking wet. After uncuffing us he told me, "Price, I may bring you some dry shit, if you suck me off." We had no clothing or linens for over 1 week. Video Footage Avail.
9. 07-05-2020 to current date: There has been a constant onslaught of verbal abuse, sexual harassment, sexual advances, sexually based threats, mail theft, threats of violence or death, and food tampering that would

literally require a petition upwards of 25 pages long to list them all. Therefore, I will end this list with the three (3) most recent, and atrocious events:

A) On Tuesday 12-01-2020, officer M. Martin served me a lunch tray with obvious tampering involved. My tray's chicken patty had been replaced with a piece of fecal encrusted toilet paper.

video footage available
B) On Saturday 12-05-2020, officer M. Martin arrived at my cell before the breakfast meal and yelled, "You fucking queer bitch" at me.

video footage available
C) On Sunday 12-06-2020, officer M. Martin told another inmate on Range 8 in the SHU, that "if it were up to him, the Paggot choma in 134 wouldn't make it out of Hazepton." This is a direct threat of death with intent.

Again, I have reported the actions of this officer only to be awarded more abuse and retaliation.

I suffer from PTSD and Night Terrors from a long history of traumatic events including RAPE. Officer M. Martin knows this and is utilizing that to engage in severe psychological torture along with physical abuse and harassment. My PTSD and Night Terrors are medically documented and I am on medication for them (Prazosin 5 mg, Depakote 1500 mg, both at night).

I have, and still do, contemplate suicide as a means of escaping the pain and injury. I am certain this officer is going to

inflict upon me in the VERY NEAR Future BEFORE MY RELEASE DATE OF 01-07-2021.

I believe that not only is officer M. Martin responsible for all the pain, suffering, and mental anguish I have experienced since 12-03-19 and am still experiencing due to his continued actions; But the warden of this facility is just as guilty as he is a knowing accomplice since he has blatantly and maliciously refused to rectify the situation and has therefore KNOWINGLY allowed these atrocities to continue unchecked.

With all that has been stated within this petition, I AM NOW ASKING for the following relief:

- A sum of \$250,000 to cover the pain, suffering, fear, and mental anguish I have been forced to endure from 12-03-19 until present day.
- An additional sum of \$250,000 to cover the ongoing costs I will face for psychological treatment pertaining to my worsening PTSD and Night Terrors and the medical costs I will have from my remaining injuries and ongoing physical pain because of the physical assault against me by officer M. Martin and his ongoing abuses and violations.
- The termination of officer M. Martin's employment within the Federal Bureau of Prisons along with a full inquiry into his civil rights violations and crimes, ending

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in criminal prosecution if deemed applicable
by the United States Government.

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12-07-2020

